

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

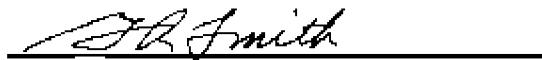
TERRENCE SMITH,)
Petitioner,)
v.) Case No. CV412-026
AL ST. LAWRENCE,)
Respondent.)

REPORT AND RECOMMENDATION

On February 2, 2011, the Court ordered 28 U.S.C. § 2241 petitioner Terrence Smith to submit an amended § 2241 petition showing that he had exhausted his available state remedies. (Doc. 3.) He has not exhausted his remedies (docs. 4 & 5), but he has filed a motion for a continuance so that he may do so. (Doc. 4.) While the Court, for the purposes of this Report and Recommendation, **GRANTS** Smith's motion to proceed in forma pauperis (docs. 2 & 6), it **DENIES** his motion for a continuance (doc. 4). This case should be **DISMISSED** without

prejudice so that Smith may exhaust his state remedies. Once he has done so, he may submit a new § 2241 petition.

SO REPORTED AND RECOMMENDED this 23rd day of March, 2012.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA